

24 APRIL 1947

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of
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20705

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24 APRIL 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pres. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
225	2489		Affidavit of KAWABE, Torashiro		20746
1132	2490		Affidavit of SHIBAYAMA, Kaneshiro		20774
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1 Thursday, 24 April 1947

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 - - -

17 (English to Japanese and Japanese
18 to English interpretation was made by the
19 Language Section, IMTFF.)
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TANAKA, S.

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except TOGO and HIRANUMA who are represented by coun-
5 sel. The surgeon of Sugamo Prison certifies that
6 TOGO and HIRANUMA are too ill to attend the trial
7 today. The certificate will be recorded and filed.

8 There is a request for corrections by Judge
9 Nyi. The record page 20,663, on the fifth line,
10 substitute "while" for "why"; and on the ninth line,
11 substitute "while" for "why."

12 Mr. Tavenner.

13 MR. TAVENNER: I desire to be permitted to
14 cross-examine this witness.

15 - - -

16 S H I N I C H I T A N A K A, called as a witness
17 on behalf of the defense, resumed the stand and
18 testified through Japanese interpreters as
19 follows:

20 CROSS EXAMINATION

21 BY MR. TAVENNER:

22 Q General TANAKA, you testified that you occu-
23 pied the post of Chief of the Military Affairs Sec-
24 tion, War Service Bureau, War Ministry. What is the
25 War Service Bureau of the War Ministry?

TANAKA, S.

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25 War Service Bureau of the War Ministry?

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CROSS

1 A The War Service Bureau is one of the depart-
2 ments of the War Ministry.

3 Q What is its function?

4 A The principal functions of the War Service
5 Bureau are in charge of the army forces, that is,
6 organization of the military forces -- the army
7 forces, matters regarding to their equipment, mobi-
8 lization of troops, replacement of troops, and policy
9 with regard to national defense.

10 Q Prior to the time you accepted this post
11 and, say, during the year 1936, what positions did
12 you hold? Confine your answer to the year 1936.

13 A I was not Chief of the Military Affairs
14 Section. I was Chief of the War Service Section of
15 the Military Affairs Bureau.

16 Q I understood that, but my present question
17 is, what position did you hold prior to that time;
18 that is, prior to March, 1937?

19 A Prior to March 1937 I served as Chief of
20 the Military Service Section for about one year.

21 THE PRESIDENT: I suppose you have some
22 reason for asking this.

23 MR. TAVENNER: It may or may not have rele-
24 vancy, your Honor, depending upon what answers
25 appear later.

TANAKA, S. .

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1 Q You testified, on page 3 of your affidavit,
2 that a plan of operation against China could not be
3 realized by the General Staff without the approval
4 and cooperation of the War Ministry. What do you
5 mean by this statement?

6 A The contents of the operation plans in-
7 cludes the strength of the forces and the materials
8 necessary for the forces -- for the operations. This
9 is because the matters concerning the strength of
10 the forces and materials necessary for the opera-
11 tions is a function of the War Ministry.

12 Q And by that you mean that, unless the War
13 Ministry cooperates and functions with the General
14 Staff, it would be impossible to carry out a plan
15 of operations?

16 A It has two meanings: that they would not
17 be able to draft operational plans or to carry out
18 the operational plans.

19 Q That means that plans could not even be made
20 without their approval, cooperation and functioning?

21 A Yes, that is so.

22 Q At the time of the Marco Polo Bridge Incident,
23 what was the fighting strength of the Japanese divi-
24 sion?

25 A I believe that the strength of a division

TANAKA, S

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1 in peace time was between ten and twelve thousand.

2 Q That being true, the two hundred divisions
3 that you testified to would amount to about two
4 hundred thousand troops instead of twenty million
5 troops as stated in your affidavit at the bottom of
6 page 3.

7 THE PRESIDENT: That refers to the Chinese
8 Army.

9 MR. TAVENNER: My question related to the
10 Chinese Army, your Honor.

11 THE PRESIDENT: Yes. That makes out that
12 there are one hundred thousand troops in each divi-
13 sion.

14 MR. TAVENNER: Yes, sir.

15 THE PRESIDENT: It should be "two million,"
16 not "twenty million." No nation has had an army
17 of twenty million, and many have had more than two
18 hundred divisions.

19 Q (Continuing) I withdraw the question.

20 It was an error in your affidavit to state
21 "twenty million," was it not?

22 A I did not say "twenty million." I said
23 "two million."

24 THE PRESIDENT: The copy of the affidavit
25 has "twenty million," but we will close the debate

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21 "twenty million," was it not?

22 A I did not say "twenty million." I said
23 "two million."

24 THE PRESIDENT: The copy of the affidavit
25 has "twenty million," but we will close the debate

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1 on it.

2 Q You testified on page 4 of your affidavit
3 that the USSR had a peace time standing army in the
4 Far East which included 45 cavalry divisions.

5 A I did not say -- I did not testify "45
6 divisions"; I said "4 point 5 divisions."

7 MR. TAVENNER: I would like the record,
8 then, to be corrected accordingly.

9 THE PRESIDENT: The copy says "45."

10 A (Continuing) I should like to state also
11 at this time that during the reading of my affidavit
12 yesterday I noticed, in addition to these mistakes,
13 several other errors. May I be permitted to point
14 these out?

15 Q Yes, I would like to know what they are.

16 A The first of these -- I believe it was the
17 third paragraph during the reading yesterday. In
18 my affidavit I meant -- I testified that the de-
19 cision of the government's policy was made about --
20 either about -- on the 7th or 8th of July. If I
21 recall correctly, this portion was read "either in
22 July or August."

23 Q What decision are you referring to?

24 A What I meant by "decision" was the policy
25 which the government adopted at that time of non-

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CROSS

1 aggrandizement of the incident. But, in view of the
2 fact that -- non-enlargement policy of the govern-
3 ment. But, in view of the fact that conditions on
4 the spot were not very clear, they would have to
5 take measures -- due measures for self defense.
6 However, the increase of enemy -- of troops, and the
7 decision, also, was to send enforcement -- was not
8 adopted.

9 Q Are you attempting to correct a date of
10 when the decision was reached?

11 A I desire to correct this point because it
12 refers to the month, not the day. It was read, I
13 believe, according to the month of July or August.
14 The correct one is the date 8th or 9th -- 7th or
15 8th.

16 Q Are there any other corrections?

17 A Yes. The next is in connection with the
18 Captain OYAMA incident. I believe, in the affidavit
19 it was read that the incident took place on the 10th
20 of August when the Chief of the First Section of the
21 Navy Office came to the War Ministry to -- for
22 liaison. I believe the date read -- the year read
23 yesterday said "1932." It should be "1937."

24 Q Any other corrections?

25 A That is all.

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1 Q What was the source of your information
2 regarding the alleged strength of Russian troops?

3 A The source of my information is -- are
4 those -- are information which were gathered by
5 the Staff Office.

6 Q The Staff Office in Tokyo?

7 A Yes.

8 Q You do not know the source of the Staff
9 Office's information, do you?

10 A I do not know that.

11 Q You state that it was concluded that it
12 would be dangerous and undesirable to carry out
13 operations in China in the light of the military
14 strength of the USSR. When was that conclusion
15 reached?

16 THE MONITOR: Mr. Tavenner, you stated
17 "conclusion"?

18 MR. TAVENNER: Yes.

19 THE MONITOR: Which conclusion are you
20 referring to?

21 MR. TAVENNER: The only one I referred to
22 was the conclusion that it was concluded to be danger-
23 ous. I have asked now, when was that conclusion
24 reached?

25 A This conclusion was reached whether an inci-

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1 dent broke out or not. I believe it was just after
2 the outbreak of the Marco Polo Incident.

3 Q Now, as a matter of fact, Japan had entered
4 into a treaty with Germany by which they made a
5 military alliance against Russia in November, 1936,
6 did it not?

7 MR. LEVIN: We object to that as not coming
8 within the scope of the affidavit.

9 THE PRESIDENT: It is arguable, but I think
10 it is within the scope of the affidavit. The ob-
11 jection is overruled.

12 A I shall reply to that question. I do not
13 know whether such a treaty -- military alliance was
14 signed in 1937 or not, but I do know that no mili-
15 tary alliance was signed -- directed at the Soviet
16 Union -- a Japanese-German alliance directed against
17 the Soviet Union.

18 MR. TAVENNER: I understand there was a
19 mistake in translation of the year. My question
20 was 1936.

21 Q Do you not recall that, as a result of the
22 secret treaty attached to the Anti-Comintern Pact,
23 Japan took the position that Russia must consider
24 that it, from thenceforth on, faced both Germany
25 and Japan; that is, that it would be faced from that

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1 time by the two nations of Germany and Japan?

2 THE PRESIDENT: That is really a matter for
3 argument later, Mr. Tavenner. You are really invit-
4 ing him to indulge with you in an argument. You may
5 test his credibility in that way, but I doubt it.

6 MR. TAVENNER: Well, then, I would like
7 to ask one different question along a somewhat
8 similar line.

9 Q Now, was it not also concluded that it was
10 dangerous to attack the Soviet Union without first
11 subduing the forces of the National Government of
12 China?

13 A I did not understand that question very well.
14 I should like to have it repeated once more.

15 THE PRESIDENT: The Japanese reporter will
16 repeat it.

17 (Whereupon, the last question was
18 read by the Japanese court reporter.)

19 A (Continuing) The conclusion was not that
20 the Chinese -- the forces of the National Government
21 should be subdued before -- and by subduing the forces
22 of the National Government, and taking up the mat-
23 ters -- that is, facing the Soviet Union. That was
24 not the conclusion reached. The conclusion was that,
25 to carry on a full scale war against China was --

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1 in July, 1937, the General Staff gave an explanation
2 in which it was stated that there should be an
3 immediate settlement of the incident. Was that
4 explanation made before directions were given to
5 conduct negotiations with the Hopei-Chahar politi-
6 cal group?

7 A What do you mean by the "Hopei-Chahar
8 Government"?

9 The negotiations with the Hopei-Chahar Re-
10 gime began immediately after the outbreak of the
11 Lukuochiao Incident. Therefore, the explanation of
12 the General Staff to seek immediate settlement of
13 the incident was conducted parallel with the nego-
14 tiations with the Hopei-Chahar Government.
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1 Q Then I notice by that statement, or that
2 explanation, that it was considered that a head-on,
3 protracted war between Japan and China is liable to
4 occur. What justification was there for that conclu-
5 sion immediately upon the happening of the incident?

6 A I believe I did not say that there was a
7 possibility of such a possibility. I believe I tes-
8 tified in my affidavit that there was misgivings
9 that such an event -- such a situation might arise.

10 Q The exact language used by you was that "the
11 present incident is liable to turn into a head-on,
12 protracted war . . ." Now you say that that explana-
13 tion was made before negotiations were attempted.

14 A The explanation was made that at the same
15 time that negotiations were being conducted on the
16 spot, that there was the possibility of a head-on
17 collision.

18 Q You were thinking in the terms of an all-out
19 war with China even as early as July 8th and 9th, were
20 you not?

21 A It is not that I had such ideas, but I testi-
22 fied in my affidavit that the general staff office
23 felt that way -- explained it that way.

24 Q Then as early as November 11th action was
25 taken by the Japanese Government to send troops from

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1 Japan to China. That is correct, it is not?

2 A The 11th of November is not correct; the
3 date is the 11th of July.

4 Q I am certain I said the 11th of July.

5 I stand corrected. It should be the 11th of
6 July, of course.

7 A The troops dispatched on the 11th of July
8 were not sent from Japan, that is, the homeland, Japan
9 proper, but were forces from the army in Korea and in
10 Manchuria.

11 THE MONITOR: Part of the forces in Manchuria
12 and China were dispatched.

13 Q Then you immediately sent down forces from
14 Korea and Manchuria. But at the same time didn't you
15 replenish those troops in Manchuria and Korea by
16 sending an equivalent number from Japan?

17 A No replacements were made to the forces in
18 Korea or Manchuria.

19 Q I refer you to page 16 of your affidavit,
20 section IX, in which you state: "About the expenditures
21 of our expeditionary forces which were sent to Korea
22 and Manchuria on July 11, 1937, I was asked by my
23 superiors," and so forth.

24 Do you still state that troops were not sent
25 from Japan to Korea and Manchuria?

1 A The expenditures mentioned were the expendi-
2 tures necessary for our forces which were dispatched
3 from Korea and Manchuria as expenditures in North China
4 of these troops which were dispatched from Korea and
5 Manchuria.

6 THE PRESIDENT: They are called expeditionary
7 forces and they are alleged to have gone to Korea. And
8 he has not made any correction, although he did cor-
9 rect other parts of the affidavit.

10 Q Every opportunity was given you to make any
11 corrections you desired to this statement, and you
12 appeared to have given careful attention to the matter
13 of corrections.

14 A I did not refer to any expeditionary forces
15 in my affidavit. I wonder what passage is referred
16 to.

17 THE PRESIDENT: Look at the original in
18 Japanese.

19 MR. TAVENNER: Will the Marshal show him the
20 original?

21 (Whereupon, a document was handed to
22 the witness.)

23 THE PRESIDENT: And let the Language Section
24 look at it. Section IX on page 16 of the English copy.

25 THE WITNESS: Where is the passage that refers

1 to an expeditionary force?

2 THE PRESIDENT: Section IX.

3 Q It is item IX, section or paragraph IX, in
4 the second sentence.

5 A Yes, I know. May I read this passage?

6 THE PRESIDENT: Yes.

7 A "About the expenditures of our forces which
8 were sent to Korea and Manchuria on July 11, 1937, I
9 was asked by my superiors in the War Ministry--"
10 Correction: "About the expenditures of our forces
11 which were sent from Korea and Manchuria on July 11,
12 1937, I was asked by my superiors in the War Ministry
13 to negotiate with the Finance Ministry with a view to
14 meet current expenses with a reserve fund," and so
15 forth.

16 THE PRESIDENT: The word "expeditionary"
17 does not appear in the Japanese, and the word "from"
18 where "to" appears in the copies we have.

19 Now, let Major Moore see the original.

20 Major Moore.

21 LANGUAGE ARBITER (Major Moore): Mr. President,
22 the proper translation should be: "About the expendi-
23 tures of our forces in Korea and Manchuria dispatched
24 on July 11th . . ."

25 There is an explanation, sir, for the

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1 mistranslation, but I don't think that it will help.
2 the Tribunal.

3 THE PRESIDENT: Dispatched from where?

4 LANGUAGE ARBITER (Major Moore): The original
5 does not say, sir.

6 THE PRESIDENT: Our forces in Korea dis-
7 patched on a certain date?

8 THE WITNESS: It does not refer to the forces
9 in Korea; it means the forces which were dispatched
10 from Korea and Manchuria to North China.

11 Q Then may I ask you whether or not any troops
12 were dispatched from Japan to Manchuria and Korea in
13 the month of July '37, or to China in the month of July
14 '37?

15 A When the troops in Japan were mobilized on
16 the 27th of July I believe troops were sent from Japan
17 to China.

18 Q Was that on the 27th of July?

19 A Yes, July the 27th.

20 Q How many divisions?

21 A Three divisions.

22 Q On page 13 of your affidavit you refer to four
23 divisions having been dispatched. What became of the
24 other division?

25 A I did not in my affidavit state that four divi-
sions were dispatched; I said three divisions.

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1 Q I am reading from your affidavit, the last
2 sentence in paragraph H on page 13, in which you use
3 the words "say roughly 4 divisions in July." Now,
4 which of your statements are we to believe: your state-
5 ment that there were only three divisions, or roughly
6 four divisions?

7 A The troops dispatched from Japan on the 27th
8 of July was definitely three divisions.

9 Q Well, I am asking you what became of the fourth
10 division that you said was dispatched? Where did it go?

11 THE PRESIDENT: There doesn't seem to be much
12 in it, but let Major Moore tell us what the original
13 said.

14 Q You testified, page 6 of your affidavit, that
15 the chief of staff of the army at the front was notified
16 on July 8 through the vice-chief of the General Staff,
17 of the decision regarding the general policy of non-
18 enlargement of the incident. Now, who was the chief of
19 staff of the army in the field?

20 A You mean the chief of staff at the front?

21 Q Yes.

22 A I believe that the chief of staff at the front
23 was Lieutenant General HASHIMOTO, Gun.

24 Q And who was the vice-chief of the General Staff?

25 A The vice-chief of the General Staff was

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1 Lieutenant General IMAI, Kiyoshi.

2 Q You say you knew of these things from docu-
3 ments. Where are those documents?

4 A What I mean by referring to documents is the
5 telegram sent by the vice-chief of staff; the original
6 was circulated among us after it had been sent. I
7 learned it from looking at the original -- the circular
8 of the original.

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): Mr. President,
11 the statement on page 13, paragraph H, bottom of the
12 paragraph, is definitely "4 divisions in July, 7 divi-
13 sions in August, and 4 divisions in September and
14 October," according to the original.

15 THE WITNESS: I shall explain that. The four
16 divisions, roughly four divisions mentioned there,
17 include the three divisions sent from Japan on the 27th
18 of July and the one division sent from Korea on the
19 11th of July, making a total of four.

20 THE PRESIDENT: Well, we don't want to hear
21 anything more about it. There is very little in it.

22 Q You testified, page 7 of the affidavit, that
23 you know from documents of the order of July 9 from the
24 General Staff to the army at the front, directing nego-
25 tiations with the Hopei-Chahar Political Committee for

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1 settlement. To what documents are you referring, and
2 why have you not produced them?

3 A The documents at that time -- it has been
4 accepted custom or procedure in such official or
5 routine matters that the original of the telegram be
6 circulated among those who are concerned after it had
7 been dispatched. The original was circulated in those
8 sections where it was considered necessary.

9 Q Why were directions given to negotiate with
10 the Hopei-Chahar Political Committee?

11 A This matter was not one of my direct functions
12 and I do not know very definitely about it, but I be-
13 lieve that in view of the fact that immediate settle-
14 ment was sought, it would be better to conduct nego-
15 tiations directly, on the spot. And I further believe
16 that the Hopei-Chahar regime at that time possessed
17 the authority and the ability to settle an incident of
18 this nature.

19 Q Wasn't the chief consideration that motivated
20 you, or the Japanese Government, the fact that SAKURAI,
21 who was with the Japanese headquarters garrison army,
22 was the adviser to that political group and was also
23 the adviser to the Chinese Army at the same time?

24 A I do not know or I am not well informed on
25 this point. I do not know very clearly.

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1 Q You do know that no directions were given
2 to negotiate with the national government on this
3 matter, do you not?

4 A I believe it is natural that in view of the
5 fact that the order was sent to the Japanese forces
6 in North China, that is, the local authorities -- army
7 in North China, it was only natural that they would
8 conduct negotiations with the local Chinese authori-
9 ties; in other words, the Hopei-Chahar regime.

10 Q You do know, as a matter of fact, that the
11 Chinese Foreign Minister on July 12 proposed to the
12 Japanese that mutual concessions be made on this matter,
13 do you not?

14 A I believe that I had heard something of that
15 sort, but since it was no concern of mine, that is,
16 not closely related to my duties, I do not know
17 definitely.

18 Q You seem to have very definite recollection
19 and information regarding the Hopei-Chahar political
20 group; why is it you don't know anything about the
21 Nanking Government?

22 A My work and my duties were such that I
23 was primarily concerned -- that is, quite interested in
24 what was going on with regard to the Hopei-Chahar
25 regime because it was a matter for the military to have

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CROSS

1 very great concern in. The negotiation with the
2 central government in Nanking is a matter for the govern-
3 ment with regard to political affairs and diplomatic
4 affairs; and, therefore, as far as I was concerned, I
5 was not familiar with the nature of this, so therefore
6 I do not know about the negotiations with the Nanking
7 Government.

8 Q Do you know whether there were negotiations
9 conducted at any time between the Japanese Government
10 and the Nanking Government after the proposal made on
11 the 12th by the Chinese ambassador?

12 A I heard at that time that negotiations were
13 conducted with the government in Nanking on about the
14 18th or 19th of July.

15 Q The matter to which you now refer was a letter
16 from the Nanking Government, was it not, in which they
17 suggested settlement by diplomatic means and withdrawal
18 of the troops of both sides to their original positions?

19 A I did not see anything that would give me an
20 idea as to contents of such a letter. I merely said
21 that I had heard that such negotiations took place on
22 about the 18th or 19th.

23 THE PRESIDENT: We will recess for fifteen
24 minutes.

25 (Whereupon, at 1045, a recess was

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1 taken until 1100, after which the proceed-
2 ings were resumed as follows:)

3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.

5 THE MONITOR: The witness' previous state-
6 ment should be corrected as follows:

7 "I have never seen such a letter, but I
8 have heard such a proposition was made.

9 THE PRESIDENT: Mr. Tavenner.

10 BY MR. TAVENNER (Continued):

11 Q Do you know whether there were any negotia-
12 tions from the Japanese side after the receipt of
13 that letter from the Nanking Government?

14 A No, I do not.

15 Q You have testified regarding the terms of
16 the proposed settlement between the army and the
17 Hopei-Chahar political committee. Were other terms
18 considered or proposed by the Japanese Government?

19 A I have heard that the Japanese Government
20 made overtures to the Government in Nanking that
21 the Chinese side cease immediately any warlike
22 activities and that Nanking not interfere in North
23 China in the progress, that is, negotiations for a
24 local settlement in North China.

25 Q That was the communication which gave rise

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1 to the letter from the Nanking Government to which
2 I have just referred, was it not?

3 A Yes, I believe so.

4 Q I am asking you now if there was not another
5 consideration taken into account by the Japanese
6 Government with regard to a proposed settlement such
7 as recognition of Manchukuo by China?

8 A I have not heard of that, and, further, I
9 do not believe that such a thing happened -- proposal
10 was made.

11 Q My question may have been misleading on
12 that point. I meant to ask you whether or not the
13 Japanese Government considered making such a proposal.

14 A I have no recollection of such a fact;
15 further, in view of my duties as Chief of the War
16 Service Section in the War Ministry I was busy both
17 night and day, and I had no time to think of such
18 matters.

19 Q Did you also hear of a suggestion that there
20 be a military alliance between China and Japan as
21 one of the conditions of a settlement?

22 A I have not heard of anything like a military
23 alliance -- proposal for a military alliance. If
24 such a proposal for a military alliance was made I
25 believe that I would have had wind of it somehow or

TANAKA, S.

CROSS

1 other, but I did not at any time.

2 Q Was USHIROKU the Chief of the Military
3 Affairs Bureau at this time?

4 THE MONITOR: Will you spell out the name,
5 please?

6 MR. TAVENNER: U-S-H-I-R-O-K-U.

7 A Yes.

8 Q Was he your superior?

9 A Yes.

10 Q Near the bottom of page 7 of your affidavit --
11 strike that question.

12 You refer to Chinese authorities ordering
13 four divisions of the central army stationed near
14 Suchow to march toward the frontiers of Honan
15 Province -- this does appear near the bottom of
16 page 7 of your affidavit -- and in the same paragraph
17 you refer to the illegal firing continuing near Marco
18 Polo Bridge. By that do you mean that the ordering
19 of the Chinese divisions to march toward the frontier
20 occurred at the same time as the firing that you
21 spoke of in the latter part of the paragraph?

22 A I heard from information from the General
23 Staff office that the ordering of four Chinese
24 divisions of the central army near Suchow to march
25 toward the frontier, and illegal firing near the

TANAKA, S.

CROSS

1 Marco Polo Bridge occurred about the same time,
2 that is, that occurred successively.

3 Q What do you mean by "successively"?

4 A With regard to the time element, I don't
5 know whether the two occurred at the same time,
6 but I believe or I recall that these two occurred
7 about the 10th.

TANAKA, S.

CROSS

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7 about the 10th.

TANAKA, S.

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1 Q Then it is your statement that the order
2 for the movement of troops was given on or about the
3 10th of July?

4 A Yes, it was about -- approximately the 10th
5 of July.

6 Q Then on the next page of your affidavit you
7 state that as a result of this situation a decision
8 was made to dispatch troops immediately to the Peiping-
9 Tientsin area. In other words, are you contending
10 that the action of sending troops on July 11 from
11 Manchuria and Korea was based upon this troop movement
12 that you have described?

13 A In view of the fact that the life and prop-
14 erty of Japanese nationals in the Peiping-Tientsin
15 area were endangered as a result of this act on the
16 part of the Chinese the government issued on the 11th
17 of July a statement of policy and in accordance with
18 this statement the decision to dispatch troops from
19 Korea and Manchuria was made.

20 Q You state in your affidavit that as a result
21 of the reinforcement of Chinese troops in North China
22 the lives of the residents were becoming endangered
23 and that that was the reason you took this action?

24 A As a result of the reinforcement of the
25 Chinese troops in North China the position of the

1 Japanese garrison troops in the Tientsin-Peiping
2 area would become dangerous -- became, that is, in
3 danger; and as a result of this fact the lives and
4 property of the Japanese nationals were in utmost
5 danger and in view of this fact the decision was made
6 to increase the barest minimum of troops to North
7 China.

8 THE MONITOR: "To North China" should be
9 deleted.

10 Furthermore, in view of the fact that the
11 Chinese troops in the Peiping-Tientsin area were very
12 strongly anti-Japanese in their sentiment therefore
13 the lives and property of the Japanese nationals in
14 that area would be faced with extreme danger -- there
15 was a danger that there would be a critical situation
16 arising with regard to the lives and property of the
17 Japanese nationals in that area, and also because of
18 the fact that the strength of the Japanese forces gar-
19 risoned in the Tientsin-Peiping area numbered, I
20 believe, between six and seven thousand at that time
21 while the Chinese troops in that area without re-
22 inforcements already totaled between fifty and sixty
23 thousand. We had received information that the
24 Chinese in that area even without reinforcements
25 numbered somewhere between fifty and sixty thousand.

TANAKA, S.

CROSS

1 Q Now, what is the basis in fact for your
2 statement that Chinese divisions were being marched
3 north on July 10?

4 A They are based on information gathered by
5 the General Staff.

6 Q As a matter of fact do you not know that
7 no Chinese troops were sent north until after the
8 action of the Japanese government on July 11 to send
9 troops to China and after, in fact, troops had been
10 sent on July 11 from Manchuria and Korea to North
11 China?

12 A That is not so. Even prior -- that is prior
13 to the decision of the Japanese Government to send
14 reinforcements or troops to North China the General
15 Staff had gathered information that the Central Govern-
16 ment troops had been ordered to march northward.

17 I repeat: Prior to the decision by the
18 Japanese Government on the 11th of July to send
19 troops to North China the General Staff had gathered
20 information that the Central Government troops had
21 been ordered to march northward.

22 Q How far was the border of Honan Province
23 from Peiping?

24 A I do not know definitely.

25 Q Three hundred to five hundred miles, would

TANAKA, S.

CROSS

1 you say?

2 A I don't believe that it was that far.

3 Q Do you know that when troops were finally
4 sent by the Nanking government north that they were
5 stopped at Paoting, P-a-o-t-i-n-g, where they were
6 held voluntarily by the Chinese authorities?

7 A Yes, I heard of it but the time that I heard
8 of it was much later than when it actually happened,
9 but I did not know at that time whether this act was
10 made voluntarily by the Chinese authorities or was
11 made for any other reason.

12 Q How far is Paoting from Peiping?

13 A I do not know definitely.

14 Q Would you say about one hundred miles?

15 A I believe it might be a little more than
16 a hundred miles.

17 Q On page 14 of your affidavit you state that
18 the decision to capture Nanking was the result of the
19 tendency of the tide of war on the spot and that the
20 decision was made to capture Nanking on December 1.
21 Just a moment, I haven't finished my question. You
22 stated a few moments ago that a man by the name of
23 KIYOSHI was Vice-Chief of the General Staff. Weren't
24 you wrong about that?

25 THE MONITOR: Will you spell out the name,

TANAKA, S.

CROSS

1 please?

2 MR. TAVENNER: I understood it to be
3 KIYOSHI.

4 A At the time of the outbreak of the incident
5 the Vice Chief of the General Staff was IMAI, Kiyoshi
6 but since that time he has been replaced.

7 Q Did General TADA replace him?

8 A Yes, that is so.

9 Q Now, is it not a fact that General TADA,
10 Vice Chief of the General Staff, prepared the plans
11 for the capture of Nanking and that he prepared them
12 during the battle of Shanghai?

13 A I am not so familiar with the preparations
14 being made within the General Staff but the decision
15 to capture Nanking was as I have stated in my affi-
16 davit the first of December.

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1 Q You have also stated that the decision to
2 carry out the Hankow operation was made in September
3 1938. Is a matter of fact, were not the plans for
4 this operation drawn up by General TADA in June or
5 July, 1938?

6 THE PRESIDENT: 1938?

7 MR. TAVENNER: Yes, sir.

8 A I do not know when the plans were first begun
9 but I do know that the decision was made about the
10 first part of September 1938.

11 MR. TAVENNER: I refer to page 3377 of the
12 record as the basis for my question.

13 THE PRESIDENT: Did TADA say that in cross-
14 examination?

15 MR. TAVENNER: Yes, sir, his examination in
16 chief, exhibit 251. This concludes my cross-examination.

17 THE PRESIDENT: Captain Brooks.

18 MR. BROOKS: Mr. President, I have got a few
19 questions I would like to ask as to the War Ministry
20 if there is no other general redirect.

21 MR. LEVIN: There is no other general re-
22 direct, Mr. President:

23 THE PRESIDENT: On whose behalf, Captain Brooks?

24 MR. BROOKS: On whose behalf? General
25 MINAMI's, sir.

REDIRECT EXAMINATION

1
2 BY MR. BROOKS:

3 } You testified the War Ministry was consulted
4 as to supply of materials, personnel and in relation
5 to other administrative matters. Now, Mr. Witness,
6 after a defense plan was set up could the plan of
7 operations be changed and the materials or supplies
8 be used for a different purpose in any manner the
9 General Staff saw fit to use them, for instance, to
10 settle an incident, without approval of the War
11 Minister?

12 MR. TAVENNER: Your Honor, I object on the
13 grounds that the question is leading, that it is an
14 attempt to ask a hypothetical question which could
15 not possibly cover the facts and that would be im-
16 proper in an examination of this type.

17 THE PRESIDENT: If you can fix the War
18 Ministry with a certain responsibility you can re-
19 examine about that.

20 MR. BROOKS: I asked the question I did
21 in the interest of saving time, your Honor, because
22 I think it is fairly clear outside of this witness'
23 statement made on cross-examination. May be answer
24 the question?

25 THE PRESIDENT: Well, you should be at liberty

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TANAKA, S.

REDIRECT

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TANAKA, S.

REDIRECT

1 to ask him what responsibility the War Ministry would
2 have. He has already fixed them with responsibility
3 for certain action. Answer the question.

4 A I did not understand the question very well.
5 I would like to have it repeated once more.

6 Q Will the Japanese reporter repeat it, please?

7 (Whereupon, the previous question
8 was read by the Japanese court reporter.)

9 A Do you mean operational plans or defense
10 plans?

11 Q Either operational plans or defense plans.
12 Could they be changed without approval of the War Min-
13 istry? Once the materials had been supplied and
14 agreed upon, was the use of those materials and the
15 operations conducted thereunder solely in the hands
16 of the General Staff?

17 A I shall reply to that question. The materials
18 provided in accordance with operational plans are not
19 supplied to the General Staff. The materials are in
20 the hands of the War Ministry which delivers any such
21 of those materials to the various units directly.
22 Therefore, the General Staff, once it has made --
23 wishes to change operational plans, for instance --
24 for example from one directed eastward to one towards
25 the west, it would naturally have to consult the War

TANAKA, S.

REDIRECT

1 Ministry, and the reason is that these materials must
2 be transported from the place where they are produced,
3 they must be transported to various units and this
4 question, function of transportation rests with the
5 War Ministry.

6 Q You are missing the point of my question.
7 I am not asking --

8 THE PRESIDENT: I don't know that he is.
9 It would be unusual really if the War Ministry were
10 asked to authorize expenditure or the use of materials
11 for one purpose and the General Staff could apply them
12 to another.

13 MR. BROOKS: The point that I am making is
14 not the transporting of materials from one field to
15 another, one unit to another, but after the materials
16 are delivered to the unit in the field could they be
17 used.

18 THE PRESIDENT: No doubt they could con-
19 sistently with the purpose for which they were obtained.

20 Q Could they be used for settling, we will say,
21 an incident by that unit in the field without approval
22 of the War Ministry?

23 MR. TAVENNER: I don't think this is a proper
24 type of redirect examination. The questions are
25 grossly leading; they are hypothetical; they call for

TANAKA, S.

REDIRECT

1 opinions and conclusions. It seems to me that the
2 question should not be allowed.

3 THE PRESIDENT: The real objection is that
4 the question is designed to secure a denial of what
5 the witness has said and not a mere explanation. He
6 has said the War Minister had to approve. Now he is
7 asked to say that he need not approve.

8 MR. BROOKS: The approval, your Honor, as I
9 got it it was as to supply, not to object, and that
10 is what I was trying to bring out, about the object
11 of the plan.

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TANAKA, S.

REDIRECT

1 THE PRESIDENT: The War Minister had to
2 know what the purpose of the supply was, and his
3 approval would be limited to that purpose. That
4 is clear enough from the cross-examination in relation
5 to that particular subject matter to which you
6 are confined.

7 The objection is allowed.

8 MR. BROOKS: I will try to reach with a
9 different question the point I have in mind.

10 BY MR. BROOKS:

11 Q Did the War Minister have authority to
12 give orders stopping or changing military opera-
13 tions in the field?

14 A He had no authority to make such orders.

15 Q If the army in the field had materials on
16 hand for certain operations, then the War Minister
17 could not limit or direct their use, is that
18 correct?

19 A He can limit the use of materials.

20 Q To what extent?

21 A I don't believe that there are any stipu-
22 lations or regulations regarding the extent of such
23 limitation.

24 Q Now, if an Imperial sanction for such opera-
25 tion was given, could the War Minister withhold the

TANAKA, S

REDIRECT

further supply if it was requested?

1 A Once an order for operations has been
2 given and begun -- and the operation has begun, the
3 War Minister must do all he can -- must authorize
4 the use of such material in order to attain the
5 object of the operations. When an operational order
6 for operations is given the Chief of Staff, it is
7 customary that the Chief of Staff consult the War
8 Minister, and the War Minister, taking into considera-
9 tion various factors, especially from the standpoint
10 of materials, either gives his approval or not at
11 the time he is consulted.
12

13 Q But he cannot give his disapproval or cannot
14 limit the supply to an extent to change the objec-
15 tive if it has Imperial sanction, can he?

16 MR. TAVENNER: I would like to renew my
17 objection, your Honor, to this same question.

18 THE PRESIDENT: The answer has been put
19 into the witness' mouth by Mr. Brooks. It is not
20 re-examination in the true sense.

21 The objection is upheld.

22 MR. BROOKS: I thought the witness had
23 answered in that line on the previous one before
24 that, your Honor.

25 THE PRESIDENT: He hasn't given you a

TANAKA, S.

REDIRECT

1 single answer that you suggested to him.

2 MR. BROOKS: No further examination.

3 THE PRESIDENT: Mr. BANNO.

4 MR. BANNO: I represent the accused
5 ITAGAKI. I will just ask one question.

6 THE PRESIDENT: We were told there would
7 be no further redirect, but go ahead and ask him
8 the question.

9 REDIRECT EXAMINATION (Continued)

10 BY MR. BANNO:

11 Q According to the question put by the
12 prosecutor, the witness replied on the Hankow opera-
13 tion that although he didn't know when the plans
14 for the Hankow operations were begun, he did know
15 that the decision to do so was made on the first
16 part of September, 1938.

17 In the preparation of operational plans
18 does the War Ministry have anything to do with it?

19 A Yes, it does have connections.

20 THE PRESIDENT: It is about time you
21 stopped examining him on these matters. He has
22 made the position perfectly clear in cross-examina-
23 tion and again in redirect examination. You are
24 trying to get him to contradict himself.

25 Q Then, the fact that it was settled -- what

TANAKA, S.

REDIRECT

1 was this settlement based upon?

2 THE MONITOR: Then, how do you know that
3 the plans for the operations were made?

4 A A decision, that is, a definite decision
5 is made at the time when the Chief of Staff and the
6 War Minister have agreed and are seeking to obtain
7 Imperial sanction.

8 Q Then, when the Imperial sanction has been
9 granted it is most clear, is that what you mean?

10 A Yes.

11 THE PRESIDENT: Mr. Levin.

12 MR. LEVIN: Mr. President, the witness
13 indicated that the date given on page 22 of his
14 affidavit, August 10, 1930 and 1932, was incorrect
15 and that the date is August 10, 1937. That appears
16 on page 2698 of the record of his testimony. May we
17 ask that that record be corrected in conformity with
18 the statement he has made?

19 THE PRESIDENT: We will look into the matter
20 and make any necessary corrections.

21 MR. LEVIN: With that we have concluded
22 with this witness. May he be released on the usual
23 terms?

24 THE PRESIDENT: He is at liberty according-
25

1 ly.

2 (Whereupon, the witness was excused.)

3 We will adjourn until half-past one.

4 (Whereupon, at 1200, a recess was
5 taken.)

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Levin.

8 MR. LEVIN: Mr. President, we now call the
9 witness KAWABE, Torashiro.

10 - - -

11 T O R A S H I R O K A W A B E, recalled as a wit-
12 ness on behalf of the defense, having previously
13 been sworn, testified through Japanese interpre-
14 ters as follows:

15 THE PRESIDENT: You are still on oath.

16 MR. LEVIN: Mr. President, I don't believe
17 your remark was translated.

18 THE PRESIDENT: I told the witness he is
19 still on oath. He has already taken an oath in these
20 proceedings, and there is no occasion for him to take
21 another. In fact, it would be improper for him to do
22 so.

23 MR. LEVIN: We desire to examine this witness
24 on the basis of two affidavits which have been pre-
25 pared.

1 DIRECT EXAMINATION

2 BY MR. LEVIN:

3 Q Will you please state your name, age and
4 address?5 A My name is KAWABE, Torashiro. My age is
6 fifty-seven. My address is No. 460 Azaomachi, Jindai-
7 muca, Kitatama-gun, Tokyo City.8 Q The Marshal will hand you defense document
9 No. 225. Will you please state whether your signa-
10 ture appears thereon?11 (Whereupon, a document was handed
12 to the witness.)

13 A Yes, that is my signature.

14 Q Are the contents of said document true and
15 correct?

16 A Yes, it is the truth.

17 MR. LEVIN: I now offer in evidence defense
18 document No. 225.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 225
21 will receive exhibit No. 2489.
2223 (Whereupon, the document above re-
24 ferred to was marked defense exhibit No.
25 2489 and received in evidence.)

MR. LEVIN: Omitting formal parts, I shall

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KAWABE

DIRECT

1 read the affidavit of the witness. (Reading)

2 "As I, KAWABE, Torashiro, was a staff officer
3 of the Kwantung Army from August 1934 to March 1936,
4 I shall state what I know about the position of the
5 Kwantung Army in regard to various problems which
6 arose in North China and Inner Mongolia resultant
7 from the then prevailing conditions of Manchuria.

8 "1. General Condition of the Kwantung Army and Man-
9 churia at the time.

10 "As the problems of North China and Inner
11 Mongolia, of which I shall speak later on, are re-
12 lated to the condition of the Kwantung Army and Man-
13 churia at the time, I shall first summarize the con-
14 ditions which prevailed during my term of office.

15 "Leading officers of the Kwantung Army and
16 the business in my charge.

17 "In August 1934, when I arrived at my post,
18 Commander of the Kwantung Army was General HISHIKARI,
19 Takashi; Chief of Staff, Lieutenant-General NISHIO,
20 Toshizo; and Vice-Chief of Staff, Major-General
21 OKAMURA, Yasuji. But in December the same year
22 General MINAMI, Jiro was appointed Commander and
23 Major-General ITAGAKI, Seishiro became Vice-Chief of
24 Staff.

25 "For a year after taking up my post (when I

KAWABE

DIRECT

1 was Colonel until I left the office was a sectional
2 chief in charge of information.

3 "Condition of Manchoukuo.

4 "A. Foreign relations.

5 "At that time there were some foreign countries
6 which gave official, or at least de facto, recognition
7 of Manchoukuo as an independent state. For
8 instance, the Vatican recognized her in September
9 1934, and the Dominican Republic in April 1935, while
10 the transfer of the North Manchurian Railway was
11 signed between the Soviet Union and Manchoukuo in
12 March 1935.

13 "As for the relations with China, the Tangku
14 Truce Pact had been concluded between the Kwantung
15 Army and the military regime in North China in May
16 1933, the year preceding my arrival at my post, and
17 all-round diplomatic relations had not yet been established
18 between China and Manchoukuo. However, at
19 the so-called Dairen Conference held in July 1933 a
20 mutual agreement was reached as to the means to avoid
21 a Sino-Japanese clash in North China, and since then
22 agreements were concluded in succession between
23 China and Manchoukuo, e.g., in regard to railways
24 in July 1934, concerning customs tariff in December
25 of the same year and regarding mail in February 1935,

KANABE

DIRECT

1 mean deliberately destroyed; I mean destroyed or
2 seized by SCAP. It seems to me, Mr. President, how-
3 ever, that this matter should be reached, not on the
4 direct examination but by cross-examination.

5 THE PRESIDENT: Written agreements are
6 proved by producing them or by oral testimony if
7 their absence is suitably accounted for. The Supreme
8 Commander would not destroy these agreements if he
9 has them or had them.

10 MR. LEVIN: I did not intend even to intimate
11 that they might have been destroyed by the Supreme
12 Commander. However, Mr. President, in the absence
13 of those agreements, and in the absence of having
14 them in our possession, if the witness is familiar
15 with the contents of them, then he could testify in
16 relation thereto, if we haven't possession of it.

17 THE PRESIDENT: We are not bound by the rule
18 which requires the agreement to be proved by its pro-
19 duction. Nevertheless, it is a rule we will insist
20 on, I think, judging from the attitude of my colleagues.

21 MR. COMYNS CARR: The Tribunal has, over and
22 over again, called attention to this rule when we have
23 taken the objection and insisted that they should
24 either be produced or accounted for which means, in
25 my submission, by evidence, not by statement of

counsel.

1 THE PRESIDENT: Unless the agreements are
2 proved in the usual way, we will disregard anything
3 in this affidavit based on them.

KAWABE.

DIRECT.

1 MR. LEVIN: (Continued).

2 "After the declaration of independence of
3 Manchoukuo in March 1932, the pseudo-troop bandits
4 who numbered nearly 300,000 under the command of
5 former war-lords in various provinces were for a time
6 rampant throughout her territory, but they were for
7 the most part suppressed in the course of 1933.
8 Just as in many parts of China, Manchuria was in-
9 fested by bandits before the founding of manchoukuo
10 and even after the suppression the remnants were still
11 active in some localities. Their number was estimated
12 at about 30,00 at the time when I arrived at my post.
13 Those bandits may be classified into several groups,
14 e.g., gangs of regular robbers, those of a political
15 nature resisting Japanese and new Manchurian power, and
16 bandits imbued with community ideas."

17 THE PRESIDENT: Communistic.

18 MR. LEVIN: Communistic.

19 THE PRESIDENT: Only half of the word appears
20 on the copy but I think it is "communistic".

21 MR. LEVIN: That is correct, Mr. President.

22 "Moreover, not all of those bandits were na-
23 tives of Manchuria. There were many who made their
24 way from North China, Shantung Province of Korea, while
25 some Koreans and Manchurians living in the districts

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1 of the Russian Littor Province adjacent to Manchoukuo
2 stole in across the border. Among the above classified
3 bandits those who were imbued with some ideology, es-
4 pecially those who had their bases of activity outside
5 Manchuria were most difficult to deal with.

6 "The peace and order of new Manchuria was con-
7 siderably disturbed by those bandits and its healthy
8 growth as a state was much hampered. But as a result
9 of the strenuous efforts on the part of the Manchoukuo
10 Government and people and the assistance extended by
11 the Kwantung Army in accord with the principle of
12 joint defense as stipulated in the Protocol between
13 Japan and Manchoukuo, the independence of Manchoukuo
14 gradually took definite shape, particularly as her re-
15 lations with China and other countries were more and
16 more improved. On the frontiers, however, troubles
17 still occurred frequently.

18 "General policy of the Kwantung Army at the
19 time.

20 "Under the principles set forth in the Protocol
21 it was the duty of the Kwantung Army to undertake the
22 defense of Manchuria in cooperation with the Manchoukuo
23 Government. In view of the existing condition of
24 the country, the Kwantung Army, especially after the
25 commander, General MINAMI's arrival at his post,

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1 adopted as the two main objects of its policy, (1)
2 establishment of public order in the interior of Man-
3 choukuo and (2) maintenance of peace and quiet in the
4 border regions. In order to accomplish the first ob-
5 ject, the entire strength of the Army was dispersed
6 widely over the country so as to contribute to the
7 maintenance of local peace and order, even at the
8 disadvantage and inconvenience that might be caused
9 thereby to the training in proficiency essential to
10 an army. For the second object the Army made it its
11 principle to avoid the use of armed force as much as
12 possible and to ensure the enjoyment of mutual benefit
13 through prudent measures taken by neighboring countries
14 among themselves, through parleys and negotiations held
15 by the Manchoukuo Government or the Kwantung Army at
16 its discretion with China, the Soviet Union, Outer
17 Mongolia and others.

18 "DOHIHARA-Chin Te-chun Agreement.

19 "It was in the regions on the border between
20 Manchuria and Chahar Province, China, that the troubles
21 referred to above occurred most frequently. Among them
22 may be mentioned the insult to the Japanese military
23 officers and Foreign Office clerks at Changpei by Sung
24 Che-yuan troops on October 6, 1934, intrusion into
25 Manchoukuo of a unit of Sung Che-yuan troops on January

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1 24, 1935, second intrusion and firing of a Sung Che-
2 yuan unit upon the Japanese border garrison. Fearing
3 that such frequent troubles on the borders might lead
4 to more untoward affairs between China and Manchoukuo
5 or Japan, the Commander of the Kwantung Army deemed it
6 proper to enlarge the scope of application of the
7 Tangku Truce Agreement, and under instructions from
8 the highest military authorities at home despatched
9 Major General DOHIHARA, Kenji, who was on the staff
10 of the Kwantung Army and Chief of the Special Service
11 Agency in Mukden, to carry on negotiations with the
12 Chahar Province authorities in China. The reason why
13 Major-General DOHIHARA was entrusted with this mission
14 was (1) because those trouble had arisen within the
15 area for which he was in charge of information and
16 DOHIHARA was well versed in the actual facts of the
17 affairs, and (2) because his character was best suited
18 for negotiating with the Chinese on those sundry affairs
19 and settling them in a friendly, peaceful way.

20 "As a result of his negotiations the DOHIHARA-
21 Chin Te-chun Agreement was signed on June 27, 1935.
22 It stipulates the dealing with the responsible persons
23 and the units concerned, the suppression of anti-
24 Japanese agitations in Chahar Province, the area where
25 cessation of hostilities was to be effected, etc. By

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1 this agreement the Chinese demilitarized zone was ex-
2 tended to part of Chahar Province, and peace and order
3 could be anticipated in this part of the border."

4 MR. COMYNS CARR: Your Honor, we have the
5 same objection to this. The agreement is not pro-
6 duced nor accounted for nor admitted.

7 THE PRESIDENT: Our decision covers this also.

8 MR. LEVIN: (Continued).

9 "A few days after the conclusion of the
10 agreement, when Major-General DOHIHARA came to the
11 Kwantung Army Headquarters to make a verbal report
12 on the negotiations to the Commander, I was in at-
13 tendance and could listen to it. From his report and
14 also from what was told by a member of the staff who
15 accompanied the Major-General, I gathered that the
16 negotiations had been carried on in a very friendly
17 manner.

18 "III. The Kwantung Army's concern about
19 Inner Mongolia.

20 "A considerable part of the western borders
21 of Manchoukuo abuts on Inner Mongolia, while in Hsingan
22 Province and the Jehol area in Manchoukuo there lived
23 many Mongolians who constantly intercommunicated with
24 similar tribes in Inner Mongolia. To the Kwantung
25 Army which was responsible for the defense of Man-

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23 many Mongolians who constantly intercommunicated with
24 similar tribes in Inner Mongolia. To the Kwantung
25 Army which was responsible for the defense of Man-

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1 churia, therefore, it was a matter of grave concern
2 as well as an important focus of attention in collect-
3 ing information about the condition of Inner Mongolia,
4 how it would affect Manchuria, and in particular whe-
5 ther Red influence would be exerted on Manchuria.
6 The Mongolians in Inner Mongolia who had harbored
7 antipathy against the Chinese, were given impetus
8 from the independence of Manchoukuo and were striving
9 to establish a self-governing machinery of their own
10 with Prince Te, an influential figure among them, as
11 the leading spirit. The Kwantung Army was aware
12 that Prince Te made it an important aim in his policy
13 to prevent Inner Mongolia from turning Red. While I
14 was at my post in the Kwantung Army the relations be-
15 tween Manchuria and Inner Mongolia were amicable with
16 no trouble arising between them. In December 1935
17 a skirmish occurred near Manchoukuo borders between a
18 unit under Prince Te's command and Chinese troops. We
19 feared lest it should lead to some trouble in Manchoukuo,
20 but it was settled in a short space of time before it
21 developed into a serious matter.
22

23 "IV. The Kwantung Army's concern about the
24 East Hopei Anti-Communist Autonomous Council.

25 "Under the Tangku Truce Agreement an area of
North China adjoining the Manchoukuo borders had been

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1 designated as a demilitarized zone, where the Kwantung
2 Army held the right of carrying out inspection as oc-
3 casion demanded.
4

5 "And after the conclusion of the said truce
6 pact, Mr. YIN Ju-Keng of China, on the recommendation
7 of Mr. HUANG Fu, Chairman of the North China Political
8 Affairs Adjustment Commission, became administrative
9 inspector for 23 counties in the above-said demili-
10 tarized zone.

11 "To the Kwantung Army it was naturally a
12 matter of important concern whether the condition of
13 the area was consistent with the objects of the truce
14 pact, and whether the demilitarized zone would turn
15 Red. Especially in the Jehol area, which adjoined
16 the area in question, the activity of communist
17 bandits had been incessant from former times, and so
18 the Kwantung Army was making special efforts in col-
19 lecting information about conditions in East Hopei.
20 Mr. YIN Ju-keng, just referred to above, dissatisfied
21 with the financial policy of the Nanking Government,
22 and in view of the fact that in the district under his
23 control a peasants' agitation for self-government was
24 started at the communists' instigation in October
25 1935, deemed it necessary to establish his political
authority and carry out financial autonomy and anti-

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1 communism in the area. At last, in November 1935,
2 he organized the East Hopei Anti-Communist Autonomous
3 Council under his chairmanship and declared the es-
4 tablishment of an autonomous government.

5 "Position of the Kwantung Army in regard to
6 the Formation of the Hopei-Chahar Political Council."

7 THE PRESIDENT: You missed a paragraph.

8 MR. LEVIN: The above paragraph, I under-
9 stand, is not in the original. That is, the para-
10 graph following the one I just read.

11 THE PRESIDENT: Our copies are different from
12 yours, apparently, Mr. Levin.

13 MR. LEVIN: The next paragraph, beginning
14 with "Previous to the declaration", that paragraph is
15 in error, Mr. President.

16 THE PRESIDENT: That comes out.

17 MR. LEVIN: I will proceed to read the fifth
18 paragraph on page 9:

19 "V. Position of the Kwantung Army in regard
20 to the Formation of the Hopei-Chahar Political Council.

21 "After the conclusion of the Tengku Truce
22 Agreement there came into existence in North China
23 a political machinery called the North China Political
24 Affairs Adjustment Commission, with Mr. HUANG Fu as
25 Chairman and exercising control over the five provinces

1 of North China. Such Chinese political machinery
2 in North China had since undergone some changes.
3 And with the growing improvement in the relations
4 between Japan and China as well as between China
5 and Manchukuo as mentioned above, especially after
6 the signing of the DOHIHARA-Chin Te-chun Agreement
7 in June 1935, which made wider arrangements for the
8 maintenance of peace and order on the China-Manchoukuo
9 borders, the Kwantung Army became aware of the fact
10 that among the war-lords in North China there was an
11 inclination to form a new political structure as a
12 bond between China and Manchoukuo and hoped that it
13 might take advantage of the inclination to devise some
14 anti-communistic measures between China and Manchoukuo,
15 promote intimate relations between the two countries,
16 and secure the national defense of Manchoukuo. Deem-
17 ing it a proper opportunity to despatch some envoy
18 to explain to the war-lords in North China the position
19 of Manchoukuo as well as of the Kwantung Army and
20 quicken the realization of their intentions, the
21 Kwantung Army, with the approval of highest military
22 authorities at home and after consultation with the
23 command of the Japanese expeditionary forces in China,
24 sent Major-General DOHIHARA again to Peiping in Novem-
25 ber 1935, for he was regarded as best suited for such

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1 negotiations.

2 "The position of the Kwantung Army with re-
3 gard to the political machinery in North China and the
4 reasons for the despatch of Major-General DOHIHARA
5 were as stated above. Pending the negotiations the
6 Major-General once returned to the Kwantung Army
7 himself and the staff officer who accompanied him
8 told me at that time, I learnt that during his
9 week's stay in Peiping, Major General DOHIHARA had
10 held friendly talks with war-lords aware of the fact
11 that Sung Che-yuan and others were keeping in close
12 touch with the negotiations in a very friendly
13 and peaceful manner."

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1 Will the Marshal please give the witness
2 defense document No. 971.

3 (Whereupon, a document was handed to
4 the witness.)

5 Q Will you please refer to defense document
6 971 and state whether your signature appears thereon?

7 A Yes, there is a signature. That is mine.

8 Q I understand that there are several correc-
9 tions that you desire to make to this affidavit.

10 A I should like to make corrections because I
11 believe that in three or four places are errors with
12 regard to date.

13 Q Will you please state what they are and
14 where they appear. I understand the first one is on
15 page 12 of the English copy.

16 A I understand on page 11 in the English, under
17 paragraph VI: "Arrangements made by the Central Com-
18 mand in conformity with the change of situation fol-
19 lowing that of the preceding paragraph."

20 MR. COMYNS CARR: Your Honor, would it not be
21 better to postpone making corrections until it has been
22 admitted? I propose to object to it.

23 THE PRESIDENT: You are not objecting to the
24 document as it is, but as it is proposed to correct it?

25 MR. COMYNS CARR: No, your Honor, as a whole.

1 THE PRESIDENT: Well, there can be no harm in
2 telling us what corrections it is proposed to make,
3 because we want the whole document as it is proposed
4 to be tendered before us before we decide on your ob-
5 jections.

6 Well, what are the corrections?

7 Q What are the corrections? The same correc-
8 tion on page 14, I understand.

9 THE INTERPRETER: The witness said paragraph
10 6, page 8 of the English, "The attitude of the Central
11 Military Supreme Command at the time the Lukuchiao
12 Incident broke out." That paragraph.

13 A Page 12 of the English, paragraph 2. "Since
14 then, while observing the situation, the Central Com-
15 mand came to know various things from reports from
16 various quarters up to the evening of July 13th."

17 THE MONITOR: And after that there are sub-
18 paragraphs 1 and 2, or A and B -- 1 and 2.

19 A "Facing the situation as mentioned above, the
20 Central Command decided on the policy for dealing with
21 these matters concerning the incident at 8 P.M. on
22 the 13th." That is the last half of the second sub-
23 paragraph.

24 Next to that, "(1) Our Army will adhere closely
25 to the policy of non-enlargement of the situation or to

1 settle locally and to make the utmost effort to avoid
2 such actions that will lead to a full-scale war. There-
3 fore, our Army will approve the conditions for settle-
4 ment proposed by the representative of the 29th Army
5 and signed at 8 P.M. on the 10th . . ." This "10th"
6 should be "at 8 P.M. of the 11th."

7 That is the first correction.

8 At the end of page 13 there is a paragraph
9 (c) and followed by (1) (2) (3) and (4) sub-paragraphs.
10 In this paragraph (4), "Some units of the Chinese Cen-
11 tral Army marched into Hopei Province.

12 "Under these circumstances, considering the
13 possible danger that we might be hampered by this in-
14 tentional dragging-out policy of the Chinese authori-
15 ties and miss the chance of mobilization and dispatch
16 of troops, our Central Supreme Command decided upon a
17 settlement measure to the following effect and in-
18 structed our garrison in China.

19 "'The Garrison should have Sung Che-yuan
20 affix another signature upon the settlement terms
21 which were signed on July 10th..." This "July 10th"
22 should be "July 11th."

23 THE PRESIDENT: It is extraordinary that so
24 much time should be wasted on such simple corrections.
25

A There is one other, page 15 in English; the

1 middle of page 15 of the English:

2 "Thus while expecting the situation at the
3 spot to improve. . ." and so forth. Fourth from the
4 last line of the paragraph, "The Twenty-Ninth Army
5 on or after the 29th . . ." That should be the 28th.

6 The above three corrections are those which
7 had come to my attention after looking over the printed
8 text. The mistake was due to an error on my part, and
9 I apologize for wasting the time of the Court.

10 Q Is the document, with the corrections as indi-
11 cated by you, true and correct?

12 A Yes, it is the truth.

13 MR. LEVIN: I now offer in evidence the affi-
14 davit of KAWABE, Torashiro, defense document No. 971.
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THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: Your Honor, this is a
2 particularly bad example of the disregard of the Tri-
3 bunal's warning that documents must be produced or
4 accounted for. On almost every page there is a reference
5 either to something which is in terms described as a
6 document or to something which obviously must have been
7 contained in a document. But from beginning to end
8 there is not the slightest attempt to produce or
9 account for one single one of the documents referred to.
10

11 The defense has now had ample time to con-
12 sider and deal with the rulings of the Court on this
13 subject; and in our submission, if they persist in
14 disregarding those rulings the affidavit should be
15 rejected.

16 THE PRESIDENT: Mr. Levin.

17 MR. LEVIN: Mr. President, I believe a sub-
18 stantial portion of the affidavit does not relate to
19 documents, and I am sure that my associates will
20 endeavor to obtain them if they are available. I
21 believe part of the difficulty, of course, arises,
22 Mr. President, because we are now required to offer our
23 proof by affidavit. The prosecution, of course, would
24 not have been in position to make an omnibus objection
25 to the testimony of a witness whose examination is

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1 being conducted by question and answer.

2 However, I desire to state that we all desire
3 to adhere and to follow the directions and ruling of
4 the Court; and in so far as a portion of this testi-
5 mony relates to documents, as I said before, naturally
6 if we are unable to supply them, naturally the Court
7 will have to exclude the evidence.

8 THE PRESIDENT: The requirement of affidavits
9 has made no difference. Had you given the evidence in
10 the ordinary way you would still have to account for
11 the documents or produce them.

12 One wonders how much time we are wasting when
13 reading documents which may be disregarded because the
14 particular documents are not produced.

15 MR. LEVIN: This is a rather lengthy affidavit,
16 and while I have gone over it before and am hurriedly
17 going over it again, I looked at the first ten pages
18 here at least where I don't find, in this hurried
19 examination, any reference to a document. There may be
20 some, however, that I do not either recall or that I
21 do not see at the moment.

22 I believe, Mr. President, if I began reading
23 the document, the affidavit, and in the meantime
24 would request one of my colleagues to make some exami-
25 nation of it where reference is made to documents, we

1 can omit those, if the Court prefers to have it done
2 in that way.

3 THE PRESIDENT: The Court has every desire
4 to meet you, but most of us think that you should be
5 made to observe the rule because it is hardly worth-
6 while reading affidavits in part only.

7 MR. LEVIN: I have been informed by one of
8 my Japanese associates that they have affidavits to
9 the effect that some of these documents have been
10 burned and are not in existence. I can't tell which
11 ones.

12 MR. COMYNS CARR: Your Honor, that is exactly
13 what I expected. If it is said that these documents --
14 if proved that these documents are amongst those which
15 we have proved as to a large number to have been
16 destroyed by order of the Japanese Army between the
17 date of the surrender and the actual entry of Allied
18 troops into Japan, that circumstance in itself would
19 throw considerable light upon the authenticity of a
20 witness who is of the Japanese Army, the authenticity of
21 his recollection as to their contents. The question
22 would immediately arise, why, if the documents were
23 of so innocent a character as the witness represents
24 them to be, the Japanese Army should have burned them.
25

THE PRESIDENT: The Court insists on the

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1 observance of the rule; the document must be annexed
2 to the affidavit or its absence accounted for in the
3 affidavit, itself. And a majority of the Court wish
4 to apply that rule to this affidavit, which is
5 rejected. So the objection is upheld.

6 The witness can stand down until a fresh
7 affidavit is obtained.

8 MR. LEVIN: The prosecution may cross-examine
9 on the evidence that has been accepted.

10 MR. COMYNS CARR: Your Honor, with regard
11 to the affidavit which has been read in part, the
12 prosecution does not think it necessary to cross-
13 examine but only to draw the attention of the Tribunal
14 to certain references.

15 MR. LEVIN: May it please the Tribunal, we
16 object to that form of argument because that is in the
17 nature of an argument and not a cross-examination.
18 It seems to me at some future time they would have an
19 opportunity and a right to draw attention to certain
20 inferences which may be drawn from the affidavit, and
21 not at the present time.

22 MR. COMYNS CARR: Your Honor, that is purely
23 a matter of the convenience of the Tribunal and the
24 saving of time. It is quite true that if we wish to
25 present an argument about this matter the proper time

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1 to do so would be later. All I proposed to do was
2 not to present an argument but to give the Tribunal
3 references to certain passages of the record which,
4 in our submission, should be read in conjunction with
5 this affidavit. I understood that to be in line with
6 what the --

7 THE PRESIDENT: I am reminded that defense
8 counsel have done this but have done so without
9 objection. The point has not arisen before.

10 MR. COMYNS CARR: What I was about to say
11 was that I understood that to be in line with -- I
12 would not say exactly covered by, but in line with
13 an intimation that the Tribunal gave yesterday.

14 THE PRESIDENT: Well, there is no objection
15 at any stage to a mere reference, but when it comes
16 to reading anything it is different.

17 MR. COMYNS CARR: All right.

18 THE PRESIDENT: Well, what is your reference?

19 MR. COMYNS CARR: This witness has given
20 evidence before. His direct testimony was on
21 pages 19,393 to 19,425. He was cross-examined at
22 pages 19,425 to 19,470. The accused MINAMI was cross-
23 examined on the same matters covered by this particu-
24 lar affidavit on pages 19,948 to 20,006, when
25 reference was made to exhibits 195, 240, and 2206.

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1 THE PRESIDENT: That helps us to get
2 the material without influencing our judgment in
3 any way.

4 MR. COMYNS CARR: If your Honor please,
5 there is one other exhibit, No. 259, to which
6 reference might well have been made during the
7 cross-examination of MINAMI on these particular
8 matters and is made now.

9 THE PRESIDENT: Mr. Levin.

10 MR. LEVIN: May I ask, under the circum-
11 stances, that the witness be released on the usual
12 terms, preserving the right, if we may, to recall
13 him with a corrected affidavit conforming to the
14 rules laid down by the Tribunal.

15 THE PRESIDENT: He is released on the
16 usual terms.

17 (Whereupon, the witness was
18 excused.)

19 MR. LEVIN: I now call the witness,
20 SHIBAYAMA, Kaneshiro -- 1132.
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22 - - -
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SHIBAYAMA

DIRECT

1 K A N E S H I R O S H I B A Y A M A, called as
2 a witness on behalf of the defense, being
3 first duly sworn, testified through Japanese
4 interpreters as follows:

DIRECT EXAMINATION

BY MR. LEVIN:

7 Q Will you please state your name, age,
8 and address?

9 A My name is SHIBAYAMA, Kaneshiro; I was
10 born on the 11th of May -- the 1st of May, the
11 22nd year of Meiji; my address is 861 Komaba Machi,
12 Meguro-Ward, City of Tokyo.

13 Q Captain Van Meter will hand you defense
14 document 1132. Will you please state whether your
15 signature appears thereon?

16 A Yes, my signature appears thereon.

17 Q Are the contents of said document true and
18 correct?

19 A There is one point, one place where a
20 correction is required. In the first part it says,
21 "from August, 8th year of Showa, that is, 1933."
22 It should be, not August, but May of 1933.

23 Q With that correction is the affidavit
24 true and correct?

25 A Yes, it is.

SHIBAYAMA

DIRECT

1 MR. LEVIN: I now offer in evidence
2 defense document 1132, which is the affidavit of
3 SHIBAYAMA, Kaneshiro.

4 MR. COMYNS CARR: The same objection as
5 before, your Honor. The only matter of importance
6 in the affidavit is an alleged document said to
7 have been signed in the last line by one. It is
8 not produced, and as far as we are aware it never
9 existed.

10 MR. LEVIN: Mr. President, the entire
11 affidavit, I think, is fully competent and proper
12 excepting that one statement. There is no reference
13 to any other agreement except the Tangku agreement,
14 which has been referred to many times in the trial.
15 As a matter of fact, it was my impression that the
16 UMEZU-Ho Ying-chien agreement had also been intro-
17 duced in evidence. I cannot say for a certainty
18 that that is a fact. However, if that is not a
19 fact, nevertheless it seems to me we should be
20 permitted to offer this affidavit in evidence,
21 because it can readily be separated from that part
22 which might be objectionable; and that brings me
23 to the point that if the witness had been testify-
24 ing by question and answer and he had given the
25 greater portion of his testimony and had been

SHIBAYAMA

DIRECT

1 examined concerning it, and we came to a point
2 where a question was asked in relation to a
3 document which had not been offered in evidence
4 an objection could be made and would be sustained,
5 but we would not be prevented from offering the
6 balance of the testimony.

7 I ask permission, Mr. President, at this
8 time to withdraw the last two sentences of this
9 affidavit.

10 THE PRESIDENT: You offer in evidence the
11 whole of the affidavit except the last two sentences?

12 MR. LEVIN: That is correct, your Honor.

13 THE PRESIDENT: A colleague suggests the
14 last three sentences.

15 MR. LEVIN: I agree with that, Mr. President.
16 Had I read it carefully I would have also suggested
17 that sentence be omitted.

18 THE PRESIDENT: Yes, we will accept it.
19 Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No.
21 1132 will receive exhibit No. 2490.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 2490 and received in evidence.)

25 THE PRESIDENT: We will recess for

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1 fifteen minutes.

2 (Whereupon, at 1445, a recess
3 was taken until 1500, after which the
4 proceedings were resumed as follows:)

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Levin.

8 MR. LEVIN: Mr. President, I do not wish
9 to open a decision rendered by the Tribunal, but
10 I am advised that the word "signed" on the third
11 page of this affidavit is improperly and inaccurate-
12 ly translated. I am informed that was a verbal
13 agreement, and therefore I request that the docu-
14 ment be submitted to the Language Section for
15 examination.

16 THE PRESIDENT: There is nothing to
17 prevent your questioning the witness, in addition
18 to tendering this affidavit, later.

19 MR. LEVIN: (Reading)

20 "From August, the 8th year of Showa
21 (1933) to December, the 9th year of Showa (1934),
22 I served in Peking as an assistant of the Military
23 Attache to the Japanese Embassy in China."

24 THE PRESIDENT: "From August" we have.

25 MR. LEVIN: That should be "from May"

1 instead of "from August."

2 "After the Manchurian Incident, the feel-
3 ing between Japan and China was markedly threaten-
4 ing, but it was temporarily restored to tranquility
5 with the conclusion of the Tangku Agreement, and
6 diplomatic relations between the two states began
7 to proceed smoothly once again. This was indicated
8 by the Dairen Conference relative to transportation
9 and communication. The object of this Conference
10 was the opening of transportation and communica-
11 tion between Manchukuo and North China. In other
12 words, it was nothing but to have diplomatic rela-
13 tions return to normalcy. The leader of the North
14 China Regime at the time was Huang Fu, who was
15 directly responsible for transportation and communi-
16 cation work. This, however, was so serious a diplo-
17 matic problem that they could not successfully deal
18 with it by disregarding the Nanking Government.
19 Therefore, the North China authorities received
20 orders from the Nanking Government and in its behalf
21 carried on negotiation. But the Nanking Government
22 never did directly concern itself in it. That was
23 because it tried to keep away from formally recog-
24 nizing the independence of Manchukuo. In other
25 words, in those days the Nanking Government, as a

1 matter of actuality, recognized her. I heard of
2 this at the time from many a Chinese leader. The
3 diplomatic relations between the two states was
4 in this manner gradually improved, but the under-
5 currents of anti-Japanese feeling among the Chinese
6 people never disappeared and remained vigorous as
7 ever, correlating with the secret activities of the
8 Communists.

9 "This was made manifest by the assassina-
10 tion of a pro-Japanese correspondent which took
11 place in Tientsin in May, 1936 (Showa 11). With-
12 out eliminating such terroristic dark age adminis-
13 tration or anti-Japanese current thought, North
14 China could be made bright and peaceful and after
15 all the rapproachment between Japan and China
16 could not be expected."

17 THE PRESIDENT: That is full of broad
18 generalities, isn't it?

19 MR. LEVIN: I would like to ask the wit-
20 ness --

21 THE PRESIDENT: It is interesting to know
22 who the Chinese leaders were and just what they told
23 him.

24 BY MR. LEVIN:

25 Q Can you tell us who the Chinese leaders

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1 were and what they told you?

2 A At that time Ying Tung, who was the Chief
3 of the Railway Bureau of the Peining Railway, told
4 me at that time that members of the Nanking Govern-
5 ment actually recognized Manchukuo. Correction:
6 At that time Ying Tung, who was the director of the
7 Railway Bureau of the Peining Railway, told me
8 that the Nanking Government was actually and gradu-
9 ally coming to recognize Manchukuo.

10 Q Were there any others?

11 A I don't remember.

12 Q Can you tell us what efforts, if any,
13 General UMEZU made with reference to the withdrawal
14 of anti-Japanese forces from North China?

15 A At that time in North China there were
16 various -- it was rumored that various terroristic
17 activities were taking place, that the Blue Shirt --
18 members of the Blue Shirt Society from Nanking,
19 the members of the Fourth Corps -- the Fourth Bat-
20 talion of the Gendarmerie and terroristic elements
21 of the Chinese Central Army should be cleared from
22 North China in order to clarify and to make more
23 peaceful the conditions in North China. I believe
24 that was what UMEZU felt at that time.

25 Q And was he able to make any such arrange-

1 ment?

2 A At that time he talked to the Chinese
3 authorities and asked that such elements be removed
4 from North China -- or he felt that only by remov-
5 ing -- there was no other way except by removing
6 these elements from North China.

7 THE MONITOR: There was no other way
8 but to ask of the Chinese authorities to remove
9 those elements from North China.

10 Q Did he make any such arrangement with the
11 Chinese authorities?

12 A Yes, that was later embodied in what is
13 referred to generally as the UMEZU-Ho Ying-chien
14 agreement.

15 THE MONITOR: I understand that is a ver-
16 bal agreement.

17 MR. LEVIN: That is all, Mr. President.

18 You may cross-examine.

19 I am advised now, Mr. President, that the
20 word "signed" should be "made." Mr. Brooks informs
21 me that the Language Section informed him to that
22 effect, but in view of the fact that the evidence
23 has been given orally, it would be unnecessary to
24 read that portion of the affidavit.

25 THE PRESIDENT: Mr. Sutton.

SHIBAYAMA

CROSS

1 CROSS-EXAMINATION.

2 BY MR. SUTTON:

3 Q When did you leave North China?

4 A In December of 1934.

5 Q Where were you at the time the so-called
6 Ho-UMEZU agreement was made?7 A I was the commander of the 18th Regiment
8 in Kurume at that time.9 Q And from whom did you receive your infor-
10 mation relative to it?11 A I heard directly from General UMEZU at
12 a later date.13 MR. SUTTON: I desire to call the Tribunal's
14 attention to the fact that the evidence introduced
15 on behalf of the prosecution with regard to this
16 agreement is the testimony of John Goette, record
17 page 3746 to 3749, the League of Nations Report,
18 Exhibit 58, at page 300 in exhibit 2206-A.

19 There is no further cross-examination.

20 MR. LEVIN: I submit, Mr. President, that
21 that is not cross-examination.22 THE PRESIDENT: No, it is not, but he did
23 cross-examine. I think he meant that.24 MR. LEVIN: I ask that the witness be ex-
25 cused on the usual terms.

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1 THE PRESIDENT: He is excused accordingly.

2 (Whereupon, the witness was excused.)

3 MR. LEVIN: We now call the witness

4 ISHIKAWA, Jun.

5

- - -

6 J U N I S H I K A W A, called as a witness on
7 behalf of the defense, being first duly sworn,
8 testified through Japanese interpreters as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. LEVIN:

12 Q Will you please state your name, age, and
13 address?

14 A My name is ISHIKAWA, Jun, my age is forty-
15 six, and my address is No. 542 Narita-Machi, Imba-
16 Gun, Chiba Prefecture.

17 Q Captain Van Meter will hand you defense
18 document No. 972. Will you please state whether
19 your signature appears thereon?

20 A (Examining) Yes, there is my signature.

21 Q Are the contents of said document true and
22 correct?

23 A There is no mistake.
24
25

ISHIKAWA

DIRECT

1 THE PRESIDENT: He is excused accordingly.

2 (Whereupon, the witness was excused.)

3 MR. LEVIN: We now call the witness

4 ISHIKAWA, Jun.

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7 behalf of the defense, being first duly sworn,
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9 follows:

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DIRECT EXAMINATION

11 BY MR. LEVIN:

12 Q Will you please state your name, age, and
13 address?

14 A My name is ISHIKAWA, Jun, my age is forty-
15 six, and my address is No. 542 Narita-Machi, Imba-
16 Gun, Chiba Prefecture.

17 Q Captain Van Meter will hand you defense
18 document No. 972. Will you please state whether
19 your signature appears thereon?

20 A (Examining) Yes, there is my signature.

21 Q Are the contents of said document true and
22 correct?

23 A There is no mistake.
24
25

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1 MR. LEVIN: I now offer in evidence defense
2 document No. 972, same being the affidavit of ISHIKAWA,
3 Jun.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document No.
6 972 will receive exhibit No. 2491.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 2491 and received in evidence.)

10 MR. LEVIN: I now read the affidavit of
11 ISHIKAWA, Jun:

12 "Q Please state the period of your residence
13 in North China and your duties while there.

14 "A I was in residence in North China between
15 September 1932 and January 1937 as head of the
16 Mainichi Shimbun Peiping Branch and in addition head
17 of the Tentsing Branch of the same paper.

18 "Q Please state the political situation in
19 North China at that time.

20 "A My period of residence was from the Manchurian
21 Incident to the spring of the year in which the China
22 Incident broke out, so North China was the cynosure
23 of the world, being in an atmosphere delicate as well
24 as most serious, from a military, political, and
25 economic point of view. As a result of the agreement,

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1 signed at Tangku May 31, 1933, of the suspension of
2 hostilities, the Chitung area saw the creation of a
3 demilitarized zone in it. In regard to the preserva-
4 tion of public peace, the Kwantung Army had a voice.
5 Chang Hsueh-liang had left Peiping and the former
6 northeast army had lost its power in North China;
7 the Executive Council Administration Adjustment
8 Committee stationed in Peiping whose chairman was
9 Huang Fu, and in addition the Peiping subcommittee
10 of the Military Affairs Committee had been sent with
11 Ho Ying-chien, the Chief of the Military Administra-
12 tion Department as its chairman pro tempore.

13 "Q Was North China then in friendly relations
14 with Japan?

15 "A Not necessarily so. Because of close
16 geographical and economic relations between North
17 China and Manchoukuo, as a natural course of event,
18 political frictions were likely to arise in the
19 former, and because of a strong desire for restoring
20 the lost territory, somehow or other we felt there
21 was unrest though not yet coming to the surface.

22 "Q When did Major-General UMEZU arrive as
23 Commander of the Garrison in China?

24 "A In April, 1934.

25 "Q How was the attitude of the common people to

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Major-General UMEZU's arrival as such?

"A Because of the Major-General's reputation as a man of good common sense with moderate and fair thoughts, his coming was generally welcomed. With this general as Commander, they thought that he would not make a mistake in coping with the complicated state of affairs in North China.

"Q How were you related with Major-General UMEZU?

"A While there, I had come to be on very intimate terms with him. Not as a newspaper man, but rather as a member of the Japanese nation, I often had interviews and frankly expressed my opinion and occasionally reminded him of the behavior of the Army. The Commander frankly admitted my unreserved opinion and gladly expressed his own thoughts on the matter.

"Q Why did you come to be on intimate terms with Major-General UMEZU? Was there any motive?

"A The Commander once expressed his thoughts as follows: 'Since the Manchurian Incident Japan's foreign relations have become tense. So Japan's attitude toward North China has been the cynosure of the world, we should use prudence and caution in our behavior. I may be here one year or two years. I don't know how long. I would rather prefer being called a fool during my stay than having trouble with China. I want you to

1 understand this and I wish you too will be a fool in
2 the same sense as I am.'

3 "I was very deeply impressed with this brief
4 remark of immense significance. Believing there
5 would arise no trouble in North China while this
6 Commander was in office, I positively wished to be
7 good friends with the Commander without reserve, and
8 I did so. Besides, the fairness of his thoughts re-
9 garding our attitude toward China also proved a motive
10 of my being attracted to him.

11 "Q How did the Commander express to you his
12 thoughts regarding our attitude toward China?

13 "A The Commander often told me the following
14 in substance as follows:

15 "(A) It is not proper for Japan to behave
16 toward China with a sense of superiority.

17 "(B) We should take a sound and fair atti-
18 tude toward China. Threats and coercion should never
19 be resorted to on any account.

20 "(C) The rights and interests of Powers in
21 North China should be fully respected. I strictly
22 prohibit any act tending to infringe on these.

23 "(D) We should never interfere in Chinese
24 internal affairs.

25 "Q The UMEZU-Ho Ying-chien agreement is said to

1 have been proposed by Japan on the assassination of
2 pro-Japanese newspaper men. Please tell us what you
3 know about this matter.

4 "A In spring, 1935, the anti-Japanese sentiment
5 in North China was quite serious, giving rise to
6 even sanguinary incidents. Thus the situation had
7 been increasingly threatening. In the meantime, on
8 May 5 Hu En-pu, proprietor of the Kuo Chuan Pao was
9 assassinated in the Japanese concession in Tientsin,
10 and the next day on the 3d, Pai E yu-huan, proprietor
11 of the Chen Pao, met the same fate in the Japanese
12 concession. These two persons had been regarded as
13 pro-Japanese. The observation, on the part of the
14 Japanese garrison, on this matter was that the Kuomin-
15 tung party was behind the assassins and everything
16 related with these incidents.

17 "On May 29 when I heard that the Chief of
18 the Staff Colonel SAKAI, Takashi and a military
19 officer posted in Peiping called on General Ho Ying-chien
20 and submitted various demands to him, I wished to ask
21 the Commander's opinion, but since he was out in
22 Shinking being wired for by the War Minister HAYASHI,
23 I saw him when he came back from the trip. Then the
24 Commander told me as follows:
25

"Frequent assassinations are really injurious

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1 to the diplomatic relations. If China fail to take
2 some drastic measures toward this matter, unfortunate
3 incidents will repeatedly happen. The agreement re-
4 garding the North China incident also provides for the
5 suppression of anti-foreign acts. I sent the chief of
6 the staff with items desired by us to talk with repre-
7 sentatives of the Chinese Government as to how can we
8 brighten, in the spirit of the agreement, the situation
9 in North China. The items suggested by us were briefly
10 this: The military forces and political party local
11 chapters, from which dark politics or terrorism are
12 likely to originate, should just be removed from the
13 districts where Japanese residents are. I learned
14 from him that it was not anything formal like a treaty
15 or an agreement but simply an oral representation, and
16 felt relieved as I thought such a step was just what
17 his character might dictate.'

18 "Q Was this representation accepted by the Chinese?

19 "A General Ho Ying-chien, as a result of his
20 previous conference with the Nanking Government, ac-
21 cepted the items proposed by the Japanese Army and on
22 June 10 withdrew of his own accord the anti-Japanese
23 military forces. So there is nothing like an agreement.
24 There is much misunderstanding about this and many
25 people think as if there is an agreement because the

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1 newspapers designated it the UMEZU-Ho Ying-chien
2 agreement.

3 "Q Was Commander aware at that time that this
4 representation had provoked the Chinese Government?
5

6 "A It is true that it proved more provocative
7 than expected on account of poor statemanship on the
8 part of the negotiators themselves. Commander UMEZU
9 tried not to give any further provocation to the
10 Chinese.

11 "I will give you one example:

12 "In the middle of June I had a visit from
13 Hsu Hsiu-chih, Vice-Minister of the Department of
14 Internal Affairs, from whom I got the following
15 representation: 'Kwantung Army airplanes are found
16 flying over the withdrawing central military forces.
17 There is danger of occasioning a war. Will you tell
18 this to Commander UMEZU and ask him to stop it?'
19 Immediately I called on the Commander and told him
20 all about this. The Commander readily wired to the
21 Kwantung Army and had it stopped, which favorably
22 influenced the Chinese Government. This I learned
23 later from Hsu Hsin-chih
24
25

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1 "Q Didn't he secretly expect the birth of some-
2 think like a North China government or a self-govern-
3 ment movement as a result of this agreement?

4 "A The Farmers' Self-government Movement was
5 organized two months after Mr. UMEZU's departure and
6 the Chicha Government four months after. It is not
7 thinkable that he secretly expected the birth of such
8 organizations behind the agreement. Mr. UMEZU, being
9 of such a character, did not like politics and had a
10 firm conviction that we should never interfere with
11 the internal affairs of China. Though I had often
12 talked with the Commander about China, I could hear
13 from him not a word about such intension. So far as
14 I am concerned, I shall never hesitate to deny it.

15 "Q Wasn't there any gulf or difference between
16 the Army Commander and the Chief of the Staff in regard
17 to their opinion or character?

18 "A There was a considerable difference, it seems
19 to me. I heard the Chief of the Staff publicly say
20 'The Army Commander is weak.' I often heard the Chief
21 of the staff criticising the Commander because he was
22 dissatisfied with the Commander who thoroughly rejected
23 military oppression or coercion policies. When the
24 Chief of the Staff SAKAI was going to make a representa-
25 tion to Ho Ying-chin, he suggested to the Commander

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1 the concentration of our garrison forces in Peking,
2 but the Commander did not permit it, saying it was not
3 proper to make a demand by force of arms. I remember
4 the Chief of the Staff criticized the Commander thus
5 under these circumstances. I learned from the Commander
6 himself at that time regarding the concentration of
7 our military forces."

8 You may cross-examine the witness.

9 THE PRESIDENT: Surely no American counsel
10 had a hand in drafting that.

11 MR. SUTTON: May it please the Tribunal, there
12 will be no cross-examination of this witness.

13 MR. LEVIN: May the witness be excused on
14 the usual terms?

15 THE PRESIDENT: He is excused accordingly.

16 (Whereupon, the witness was excused.)

17 MR. LEVIN: We now offer in evidence defense
18 documents Nos. 1157, 1158 and 1159, which are certifi-
19 cates relating to telegrams dispatched in connection
20 with the settlement of the North China Incident.

21 THE PRESIDENT: Brigadier Nolan.

22 BRIGADIER NOIAN: Might I be permitted to
23 inquire if this is an effort to comply with the best
24 evidence rule in respect to missing documents?
25

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2 but the Commander did not permit it, saying it was not
3 proper to make a demand by force of arms. I remember
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2 but the Commander did not permit it, saying it was not
3 proper to make a demand by force of arms. I remember
4 the Chief of the Staff criticized the Commander thus
5 under these circumstances. I learned from the Commander
6 himself at that time regarding the concentration of
7 our military forces."

8 You may cross-examine the witness.

9 MR. SUTTON: May it please the Tribunal.

10 THE PRESIDENT: Mr. Sutton.

11 MR. SUTTON: There will be no cross-examin-
12 ation of this witness.

13 MR. LEVIN: May the witness be excused on
14 the usual terms?

15 THE PRESIDENT: He is excused accordingly.

16 (Whereupon, the witness was excused.)
17

18 MR. LEVIN: We now offer in evidence defense
19 documents Nos. 1157, 1158 and 1159 which are certificates
20 relating to telegrams dispatched in connection with
21 the settlement of the North China Incident.

22 THE PRESIDENT: Brigadier Nolan.

23 BRIGADIER NOLAN: Might I be permitted to
24 inquire if this is an effort to comply with the best
25 evidence rule in respect to missing documents?

1 the concentration of our garrison forces in Peking,
2 but the Commander did not permit it, saying it was not
3 proper to make a demand by force of arms. I remember
4 the Chief of the Staff criticized the Commander thus
5 under these circumstances. I learned from the Commander
6 himself at that time regarding the concentration of
7 our military forces."

8 You may cross-examine the witness.

9 MR. SUTTON: May it please the Tribunal.

10 THE PRESIDENT: Mr. Sutton.

11 MR. SUTTON: There will be no cross-examin-
12 ation of this witness.

13 MR. LEVIN: May the witness be excused on
14 the usual terms?

15 THE PRESIDENT: He is excused accordingly.

16 (Whereupon, the witness was excused.)

17
18 MR. LEVIN: We now offer in evidence defense
19 documents Nos. 1157, 1158 and 1159 which are certificates
20 relating to telegrams dispatched in connection with
21 the settlement of the North China Incident.

22 THE PRESIDENT: Brigadier Nolan.

23 BRIGADIER NOLAN: Might I be permitted to
24 inquire if this is an effort to comply with the best
25 evidence rule in respect to missing documents?

1 MR. LEVIN: This relates to --

2 THE PRESIDENT: We don't know what the
3 documents are, Brigadier.

4 (Whereupon, documents were distributed
5 to the Bench.)

6 THE PRESIDENT: Now we will know what you are
7 talking about, Brigadier Nolan.

8 BRIGADIER NOLAN: Your Honor, I do not
9 appreciate the purpose for which these documents are
10 being offered and I thought perhaps my learned friend
11 would assist me in my dilemma.

12 MR. LEVIN: Reference has been made to these
13 telegrams by the witnesses KAWABE, WACHI and TANAKA,
14 and in view of the fact that these documents are not
15 available we provided a certificate which indicates
16 that they have been -- that they formerly were in the
17 custody of the Chief of the Archives Section and they
18 are not -- and have been burned, and, therefore, they
19 are not available and we cannot produce them.

20 BRIGADIER NOLAN: Document 1157, your Honor,
21 is not a telegram whereas the other two certificates
22 do refer to telegrams.

23 THE PRESIDENT: Certificates hitherto have
24 been confined to the nature of a document and not to
25 its absence. That may not be a point that we desire

1 to take.

2 BRIGADIER NOLAN: I only wish to add that in
3 our submission, if such certificates are to be offered
4 there should be some connection between the evidence
5 to which the certificate relates and the certificate.

6 THE PRESIDENT: I believe the prosecution at
7 one stage tendered a general certificate covering a
8 number of documents thereafter introduced. I think
9 they related to documents from Germany. Well, these
10 documents are to be introduced later, are they,
11 Mr. Levin? Evidence relating to these documents is
12 to be introduced later, I take it.

13 MR. LEVIN: That is my impression, Mr. Presi-
14 dent. I cannot say for a certainty.

15 THE PRESIDENT: I think you had better with-
16 hold the certificate until the evidence is tendered,
17 if ever.

18 MR. LEVIN: It was my impression, Mr. President,
19 that these certificates were properly offered, especially
20 in connection with the evidence of the three witnesses
21 who have been on the stand -- three witnesses who have
22 already testified.

23 THE PRESIDENT: Well, the certificates are
24 admitted on the usual terms for what they are worth.

25 CLERK OF THE COURT: Defense document No. 1157

1 will receive exhibit No. 2492; and document 1158 will
2 be exhibit 2493; and document 1159 will be exhibit
3 No. 2494.

4 (Whereupon, the documents above
5 referred to were marked defense exhibits
6 Nos. 2492, 2493, and 2494, respectively, and
7 received in evidence.)

8 MR. LEVIN: Exhibit 2492:

9 "I hereby certify that, according to our
10 investigation, the document entitled 'Policy for the
11 settlement of the NorthChina Incident,' decided upon
12 on 13 July 1937 was burnt at the time of the end of
13 the war, and that therefore it is not in our custody
14 at present."

15 Signed YOSHIYAMA, Yozo, Chief Archives
16 Section, 1st Demobilization Bureau, on the 5th day of
17 April, 1947.

18 Exhibit 2493: "Certificate.

19 "I hereby certify that the telegram which
20 was despatched to the Commander of the Japanese
21 Occupation Army in China from the Chief of the General
22 Staff on July 8, 1937, to the effect that the Commander
23 should keep from using armed forces, in order to pre-
24 vent the spread of the affair, is not preserved in this
25 Bureau, as it has come to light through examination

1 that it was burnt at the termination of the war.

2 "Certified at Tokyo, on April 5, 1947.

3 "YOSHIYAMA, Yozo."

4 Exhibit 2494: "Certificate.

5 "I hereby certify that the telegram which
6 was despatched to the Chief of the Staff of the
7 Japanese Occupation Army in China from the Vice-Chief
8 of the General Staff on July 9, 1937, in regard to the
9 Japanese course of action for the negotiations for
10 settling the Lukouchiao Affair, is not preserved in
11 this Bureau as it has come to light through examina-
12 tion that it was burnt at the termination of the war.

13 "Certified at Tokyo, on April 5, 1947.

14 "YOSHIYAMA, Yozo."

15 THE PRESIDENT: Well, you say these certifi-
16 cates relate to evidence already given. At what page
17 of the record? Look that up tomorrow, will you, Mr.
18 Levin?

19 MR. LEVIN: I shall do so, Mr. President,
20 and report in the morning.

21 THE PRESIDENT: If you haven't it now.
22
23
24
25

1 MR. LEVIN: I now offer in evidence
2 document No. 206-D-2, which is an excerpt taken
3 from the Diary of former United States Ambassador
4 Grew.

5 THE PRESIDENT: Brigadier Nolan.

6 BRIGADIER NOLAN: May it please the Tribunal,
7 the prosecution objects to defense document 206-D-2
8 and submits that what Mr. Grew wrote in his diary
9 proves nothing; and, we submit, that the document
10 should be rejected as it has no probative value.

11 THE PRESIDENT: Mr. Levin.

12 MR. LEVIN: This is a statement made from
13 the diary of Mr. Grew and appears in his book, and,
14 it seems to me, it has the same aspect of a report
15 from Mr. Grew which was admitted when presented by
16 the prosecution. I believe in the cross-examination
17 this morning there was some question in relation
18 to whether or not reinforcements had been sent to
19 China, and, this being an official statement of the
20 Ambassador to the United States, it seems to us that
21 it should be admitted in evidence.

22 If I recall correctly, Mr. President, the
23 prosecution introduced in evidence a statement from --
24 a statement or report from Mr. Grew in 1937. I
25 think it was exhibit 624 and I think it is found

somewhere about page 694 --I don't remember the exact page -- which was in my view properly admitted in evidence, but it was because it was a report of the conditions existing in Japan at that time and related to events which were occurring, and a report in connection with the performance of his official duties.

THE PRESIDENT: How do you answer this: This is hearsay on hearsay. It records in Tokyo what was said in Washington of what was happening in Japan or China. That is the actual position isn't it, Mr. Levin? Washington would have got its information from the Japanese Ambassador. If it were a press release in Tokyo we would not have admitted it.

MR. LEVIN: While it has the nature of substance from the fact that Mr. Grew was in Tokyo at the time and that he would naturally gather -- get official reports, I would have great difficulty, Mr. President, in offering testimony of this character as a rule, but I do recall that I directed the attention of the Tribunal to the offer by the prosecution of hearsay upon hearsay which was accepted.

THE PRESIDENT: By a majority the Tribunal

1 upholds the objection and rejects the document.

2 MR. LEVIN: We now offer in evidence
3 defense document No. 502, excerpt No. 8, which is
4 taken from the book "Behind the Japanese Mask"
5 by the Rt. Hon. Sir Robert Craigie.

6 THE PRESIDENT: Brigadier Nolan.

7 MR. LEVIN: Mr. President, in view of the
8 previous ruling of the Court on this in relation
9 to excerpts from the Craigie book I simply offer
10 it and assume Brigadier Nolan is going to object and
11 we will accept the previous ruling of the
12 Court in relation thereto.

13 BRIGADIER NOLAN: I do object.

14 THE PRESIDENT: The objection is upheld and
15 the document rejected.

16 MR. LEVIN: I offer in evidence defense
17 document No. 1098, being a "talk of a Foreign Office
18 official spokesman concerning transportation of
19 military supplies by the Peiping-Hankow Railways."

20 BRIGADIER NOLAN: May it please the Tribunal.

21 THE PRESIDENT: Brigadeir Nolan.

22 BRIGADIER NOLAN: The prosecution objects
23 to this document for the same reason that a number of
24 other documents, being press releases, were rejected
25 by the Tribunal.

1 MR. LEVIN: I submit, Mr. President,
2 that this document is admissible in evidence. While
3 it is true this is a talk of a Foreign Office
4 spokesman, it gives in detail a movement of supplies
5 and is important in showing the position of both
6 the Chinese and Japanese armies at that time. This
7 is a factual statement of an actual movement of
8 supplies and comes as an official document of the
9 Japanese Government. It is information of importance
10 to them and giving it for the mere fact that the
11 spokesman gave it forth does not reduce its value.

12 THE PRESIDENT: By a majority the objection
13 is upheld and the document rejected.

14 We will adjourn now until half-past nine
15 tomorrow morning.

16 (Whereupon, at 1600, an adjournment
17 was taken until Friday, 25 April 1947, at 0930.)

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